

REMARKS

Applicants would like to take this opportunity to thank Primary Examiner Kishore and Examiner Oh for granting a personal interview with Applicants' representative. By this amendment, Claims 18-20, 23, 24, 27, 30, 31, 33, 34, and 37 are amended; and Claims 22, 32 and 38-40 are canceled. New dependent Claims 41-46 are submitted for entry and consideration. The newly submitted dependent claims are fully supported by the specification and claims as originally filed. In particular support is found in the specification at page 8, lines 14-20, page 9, lines 17-19, and original Claims 13-14. No new matter has been introduced. Claims 18-20, 23, 24, 27, 30, 31, 33, 34, 37, and 41-46 are currently pending in this application. Reconsideration of the pending claims in view of the arguments/comments below is earnestly requested.

Rejections under 35 U.S.C. § 103

Claims 18-20, 22-24, 27, 30-34 and 37-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul and Van Loo for reasons stated on pages 2-3 of the Office Action. Applicants respectfully traverse the rejection.

As discussed during the interview, independent Claims 20, 27 and 37, as amended, are not rendered obvious by Paul and Van Loo. Specifically, Paul and Van Loo, individually or in combination, do not teach or suggest treating systemic infections with a dietary composition comprising an active ingredient consisting of an effective amount of inulin. Accordingly, Applicants respectfully submit that Claims 20, 27 and 37 are patentable over Paul and Van Loo. Applicants further submit that Claims 18, 19, 23, 24, 30, 31, 33, and 34 are patentable over Paul and Van Loo because they depend from Claims 20, 27 or 37 and define additional patentable subject matter. Further, Applicants have provided excerpts copied from the *Medical Encyclopedia MedlinePlus* as well as excerpts copied from *Stedman's Medical Dictionary*, which

as earlier argued in the Supplemental Amendment submitted on October 19, 2004, provide concise medical definitions which clearly distinguish the terms “systemic” and “localized” as pertaining to infections. An excerpt taken from an additional reference, *Principles of Disease* (www.mansfield.ohio-state.edu) is also provided which shows at paragraph 16. a. “A local infection is an infection that is limited to a small area of the body.” and at paragraph 17. a. “A systemic infection is an infection that is found throughout the body.” These attached references are submitted for the Examiner’s consideration and for entry into the application file. In view of the above amendments and arguments provided above, Applicant’s respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).


Claims 22, 32, and 38-40 have been canceled. Rejections to these claims are now moot.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration of all pending claims is requested. Applicants respectfully submit that this application is in condition for allowance and requests that a notice of allowance be issued. Should the Examiner believe that anything further is required to expedite the prosecution of this application or further clarify the issues, the Examiner is requested to contact Applicants’ representative at the telephone number listed below.

Respectfully submitted,

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